

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TINA RICHARDSON,

Plaintiff(s),

No. C 09-2996 PJH

v.

**ORDER RE SANCTIONS**DIVERSIFIED COLLECTION  
SERVICES, INC.,

Defendant(s).

An order to show cause ("OSC") was issued for defendant's failure to appear at the case management conference on October 22, 2009. Plaintiff's counsel, who did appear, was invited to submit a request and declaration in support of sanctions representing fees unnecessarily incurred by plaintiff for the appearance. Defendant's counsel explained both in her written response to the OSC and at the hearing, that it had been an error on her part due to a misreading of the court's dockets for several cases. She apologized and offered to reimburse plaintiff for unnecessarily incurred fees. The court DISCHARGES the OSC.

With respect to whether sanctions are appropriate, the court has reevaluated in view of several factors. First, plaintiff's counsel was not required to return for the OSC hearing. Second, the court entered the pretrial order requested by plaintiff, so no further case management conference is required. The court thus concludes that one appearance for the initial case management conference was necessary, as were plaintiff's expenses for that appearance. Plaintiff has thus not incurred unnecessary expenses related to counsel's preparation time, travel time and travel expenses. The only expense incurred by plaintiff that was truly unnecessary was that incurred for the one hour it took for counsel to

1 draft the declaration regarding fees incurred.

2 Accordingly, for her failure to appear at the initial case management conference,  
3 counsel for defendant, June Coleman, shall pay to counsel for plaintiff, G. Thomas Martin,  
4 \$290.00 within 30 days of the date of this order.

5 **IT IS SO ORDERED.**

6 Dated: November 6, 2009



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PHYLLIS J. HAMILTON  
United States District Judge